

Message Text

CONFIDENTIAL

PAGE 01 STATE 049709
ORIGIN ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05
TRSE-00 OMB-01 MC-02 /064 R

DRAFTED BY ARA/MEX:H.B.LANE:DMM
APPROVED BY ARA: W.H.LUERS
L/PM: J.H.MICHEL
ARA/RPP: C.E.FINAN
PM: R.TITUS
ARA/MEX: J.T.D
DESIRED DISTRIBUTION
DOD/ISA/DSAA:F.THIEBERGER, DOD/OASD/ISA:T.AUSTIN
-----060413 046616 /61
R 060053Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO

C O N F I D E N T I A L STATE 049709

E.O. 11652: GDS

TAGS: MASS, MX

SUBJECT: MOBILE TRAINING TEAM (MTT) FOR MILITARY POLICE
TRAINING IN MEXICO

REF: (A) MEXICO 1221; (B) MEXICO 0325

1. AS EMBASSY HAS SURMISED DEPARTMENT IS RELUCTANT TO
APPROVE MILITARY POLICE TRAINING FOR MEXICAN MARINE CORPS.
THE AVAILABLE DESCRIPTION OF THE MARINES' FUNCTION INDI-
CATES THAT THE MARINES ARE RESPONSIBLE NOT ONLY FOR COASTAL
SECURITY AND THE SECURITY OF NAVAL BASES BUT ALSO FOR
MAINTAINING CIVIL ORDER AND IN COASTAL VILLAGES FOR
OPERATING AS POLICE, CUSTOMS, AND PORT AUTHORITIES.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 049709

2. SECTION 660 OF THE FOREIGN ASSISTANCE ACT OF 1961, AS
AMENDED, PROHIBITS THE USE OF ANY FUNDS MADE AVAILABLE TO
CARRY OUT THAT ACT FOR TRAINING, ADVICE OR FINANCIAL
SUPPORT TO FOREIGN POLICE OR OTHER LAW ENFORCEMENT FORCES.
THIS PROHIBITION, WHICH BECAME EFFECTIVE JULY 1, 1975,
CONTINUES AND EXPANDS A PROVISION ENACTED THE PREVIOUS

YEAR WHICH HAD NOT APPLIED TO TRAINING ACTIVITIES CARRIED OUT WITHIN THE UNITED STATES. THE AGREED INTERPRETATION OF THIS LAW IS THAT IT PRECLUDES ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT TO UNITS OF FOREIGN ARMED FORCES

HAVING COMBINED MILITARY AND LAW ENFORCEMENT RESPONSIBILITIES. FREQUENT CORRESPONDENCE WITH MEMBERS AND COMMITTEES OF CONGRESS AND WITH THE GENERAL ACCOUNTING OFFICE HAS PUBLICLY COMMITTED US TO ADHERE TO THIS LIMITATION. THIS CORRESPONDENCE ALSO MAKES CLEAR THAT AN ATTEMPT TO CONSTRUE THE STATUTE MORE NARROWLY WOULD ENCOUNTER STRONG OPPOSITION AND CHARGES OF BAD FAITH.

3. ALTHOUGH SECTION 660 IS NOT DIRECTLY APPLICABLE TO SALES OF DEFENSE ARTICLES AND DEFENSE SERVICES, INCLUDING TRAINING, IT IS CLEAR THAT THE INTENT OF CONGRESS UNDERLYING THAT PROVISION WAS BROADER THAN THE AVOIDANCE OF U.S. FUNDING FOR FOREIGN LAW ENFORCEMENT. THE RELEVANT LEGISLATIVE HISTORY INDICATES THAT CONGRESS WAS ALSO CONCERNED ABOUT IDENTIFICATION OF THE UNITED STATES GOVERNMENT WITH THE POLICE IN THE EYES OF THE LOCAL POPULACE. NO MATTER HOW ENLIGHTENED OUR TRAINING PROGRAM, A SUBSTANTIAL RISK THAT ABUSES AND REPRESSION BY U.S. TRAINED POLICE WILL BE ATTRIBUTED IN PART TO THE USG IS UNAVOIDABLE.

4. ACCORDINGLY, IT IS NECESSARY THAT WE BE VIGILANT IN THE ADMINISTRATION OF THE FMS PROGRAM TO AVOID EFFORTS TO OBTAIN ON A SALES BASIS TRAINING WHICH MAY NOT LAWFULLY

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 049709

BE FURNISHED ON A GRANT BASIS BY VIRTUE OF SECTION 660 AND WHICH DOES NOT SERVE THE AUTHORIZED PURPOSES OF THE FOREIGN MILITARY SALES PROGRAM. IN THIS REGARD, SECTION 4 OF THE ARMS EXPORT CONTROL ACT PROVIDES THAT ONE OF THE AUTHORIZED PURPOSES FOR WHICH SALES MAY BE MADE IS INTERNAL SECURITY. FROM THE CONTEXT IN WHICH THIS PURPOSE IS STATED, AND FROM THE ACT'S GENERAL STATEMENT OF POLICY, IT IS CLEAR THAT THE LAW MEANS INTERNAL SECURITY IN A MILITARY (E.G. ANTI-INSURGENCY) SENSE AND NOT IN A CIVIL LAW ENFORCEMENT SENSE. IN A CASE WHERE A MILITARY UNIT HAS CONTINGENCY OR INCIDENTAL LAW ENFORCEMENT FUNCTIONS, AS IS THE CASE WITH OUR OWN NATIONAL GUARD, SALES ARE NOT PROHIBITED. HOWEVER, WHEN A MILITARY UNIT HAS SUBSTANTIAL CIVIL LAW ENFORCEMENT RESPONSIBILITIES AS A PART OF ITS ONGOING FUNCTIONS, WE CANNOT REGARD THE INTERNAL SECURITY LANGUAGE IN SECTION 4 OF THE ARMS EXPORT CONTROL ACT AS SUFFICIENT TO AUTHORIZE SALES FOR THE PURPOSE OF CARRYING OUT THOSE RESPONSIBILITIES.

5. LEGISLATION HAS BEEN INTRODUCED IN THE 95TH CONGRESS (H.R.450) TO DELETE INTERNAL SECURITY AS AN AUTHORIZED PURPOSE FOR MILITARY SALES. IF WE ARE TO AVOID ENACTMENT OF SUCH RESTRICTIVE LEGISLATION, WE MUST RESOLVE DOUBTFUL CASES AGAINST MAKING SALES WHICH APPEAR TO EXCEED

THE AUTHORIZED ESSENTIALLY MILITARY PURPOSES OF THE ACT.

6. WE HAVE NO ASSURANCE THAT MEXICO WOULD AGREE TO CERTIFY THAT TRAINEES NOT BE USED IN CIVIL POLICE FUNCTIONS SUBSEQUENT TO THEIR TRAINING (AS SUGGESTED IN REFTEL A) AND WOULD BE RELUCTANT TO INCUR THE RESPONSIBILITY OF INSURING COMPLIANCE SHOULD MEXICO AGREE TO SUCH CERTIFICATION.

CHRISTOPHER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL TRAINING
Control Number: n/a
Copy: SINGLE
Sent Date: 06-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE049709
Document Source: CORE
Document Unique ID: 00
Drafter: H.B.LANE:DMM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770077-0364
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770388/aaaaczka.tel
Line Count: 130
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a4ac12bd-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 MEXICO 1221, 77 MEXICO 325
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3192287
Secure: OPEN
Status: NATIVE
Subject: MOBILE TRAINING TEAM (MTT) FOR MILITARY POLICE TRAINING IN MEXICO
TAGS: MASS, PORS, MX, US
To: MEXICO
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a4ac12bd-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009